NO. 29650

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

CRAIG SMALLWOOD, Plaintiff-Appellant,

v.

HASEKO (EWA) INC., and CITY AND COUNTY OF HONOLULU, Defendants-Appelless

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT

(CIVIL NO. 04-1-2315)

ORDER DENYING PLAINTIFF-APPELLANT CRAIG SMALLWOOD'S JUNE 29, 2009 HRAP RULE 40 MOTION FOR RECONSIDERATION OF THE JUNE 18, 2009 DISMISSAL ORDER

(By: Foley, Presiding Judge, Fujise and Leonard, JJ.)

(APPENDIX B)

Upon review of (1) the June 18, 2009 order dismissing appellate court case number 29650 for lack of appellate jurisdiction, (2) Plaintiff-Appellant Craig Smallwood's (Appellant Smallwood) June 29, 2009 motion to reconsider the June 18, 2009 dismissal order pursuant to Rule 40 of the Hawai' Rules of Appellate Procedure (HRAP), and (3) the record, we conclude that we did not overlook or misapprehend any points of law or fact when we dismissed appellate court case number 29650 for lack of jurisdiction, and, thus, Appellant Smallwood's June 29, 2009 HRAP Rule 40 motion for reconsideration of the June 18, 2009 dismissal order lacks merit.

Accordingly, IT IS HEREBY ORDERED that Appellant Smallwood's June 29, 2009 HRAP Rule 40

motion for reconsideration of the June 18, 2009 dismissal order is denied.

DATED: Honolulu, Hawai'i, July 2, 2009.

"s/" _____

Presiding Judge

"s/" _____

Associate Judge

"s/" _____

Associate Judge